

REMARKS/ARGUMENTS

Claims 1-20 remain in this application.

The examiner has allowed claims 19 and 20.

Claim 3, 9-12 and 18 have been withdrawn as the result of an earlier restriction requirement.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 3, 9-12 and 18 in a divisional application.

In response to the Office Action of May 2, 2007, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Interview Summary

Applicant wishes to thank Examiners Nathan Newhouse and Lester Vanterpool for granting a telephonic interview with Applicant's representative Mr. Cuchlinski on August 9, 2007.

During the interview the Examiners indicated that they considered the wall 46 of storage container 36 of Baldas et al. to be the same as Applicant's center member. The language of claim 1 did not positively require that center member of the storage compartment fixedly engage the inner panel of a vehicle door. During the interview it was agreed that claim 1 would be

amended to positively claim that the center member of the storage compartment was "fixed upon" a surface of an inner panel of a vehicle door. This is reflected in the amendment to claim 1.

Rejection under 35 USC 103(a)

Claims 1, 13 and 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Baldas et al. (US 6,196,605) in view of Golden (US 4,014,416).

The Examiner alleges that Baladas et al. disclose a storage compartment as claimed except for the center member having opposite sides, a top and a bottom for connecting peripheral portions of the front and back panels so that the panel members face each other to form front and back inner boundaries of the interior portion of the storage compartment and the sides, top, and bottom of the back member are constructed and arranged to telescope inwardly and outwardly within the center member.

The Examiner further alleges that Peterson discloses a center member, shown in Fig. 3, which has opposite sides, a top and a bottom for connecting peripheral portions of the front and back panel members, note Fig. 1, so that the panel members face each other to form front and back inner boundaries of the interior portion of the back member and are constructed and

arranged to telescope inwardly and outwardly within the center member. He relies on column 2, lines 61-67 to support this position.

Finally, he concludes that it would have been obvious to make the center member having opposite sides, a top and a bottom for connecting peripheral portions of the front and back panel members so that the panel members face each other to form front and back inner boundaries of the interior portion of the back member and are constructed and arranged to telescope inwardly and outwardly within the center member as taught by Peterson with the dynamic storage compartment of Baldas et al., in order to enhance storing items of different sizes.

Claim 1, as now amended, includes, *inter alia*, "...a center member being constructed and arranged for mechanical engagement within and fixed upon a surface of an inner panel of a vehicle door...".

In order to establish a *prima facie* case of obviousness, three basic criteria must be met (MPEP 2142). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one of ordinary skill in the art, to modify the references. Second, there must be a reasonable expectation of success. Finally, the prior art

references (when combined) must teach or suggest all of the limitations of the claims.

Neither Baldas et al. nor Peterson teach or disclose "...a center member being constructed and arranged for mechanical engagement within and fixed upon a surface of an inner panel of a vehicle door...". In Baldas et al. a storage compartment 36 is placed in a support 22 which is attached to a door panel 16. The storage compartment comprises a back wall 42, a front wall 44 and side walls 46 connecting the front and back walls. None of these walls are "fixed upon" a surface of an inner panel of a vehicle door.

Peterson discloses a brief case having sections 21 and 23 which can be expanded with respect to section 21. There is no teaching or suggestion in Peterson to mount or secure the briefcase on any type of support or surface.

Therefore, none of the references, when taken alone or combined, teach or suggest all of the limitations of the claims. Further, there is no suggestion or motivation, either in the references themselves or in the knowledge available to one of ordinary skill in the art, to modify the Baladas et al. as suggested by the Examiner.

Claims 13 and 15-17 depend from claim 1.

Accordingly, in view of the above noted remarks it cannot be said that the prior art references teach or suggest all the limitations of the claim. Further there is no suggestion or motivation, either in the references themselves or in the knowledge available to one of ordinary skill in the art, to modify the Baladas et al. as suggested by the Examiner. Applicant respectfully requests that the rejection of claims 1, 13 and 15-17 under 35 U.S.C. 103 (a) now be withdrawn.

Allowable Subject Matter

Claims 2, 4, 5-8 and 14 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form.

Claims 19 and 20 are allowed.

Withdrawn Claims


Claims 3, 9-12 and 18 stand withdrawn from consideration as being directed a non-elected invention. Upon the allowance of claims 1, 2, 4-8, 13-17, 19 and 20 Applicant authorizes the Examiner to cancel claims 3, 9-12 and 18 by Examiner's Amendment.

If the Examiner has any questions or concerns regarding the amendment or interview summary he is invited to contact Applicant's representative at the phone number disclosed below before issuing another office action.

SUMMARY

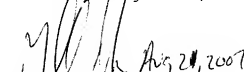
In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,


William Cuchlinski
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The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing to Deposit Account No. 13-0439.

Authorized signature,


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